IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE N/S Greenway Rd., 1000 it. * ZONING COMMISSIONER of c/l Boxer Hill Road 1120 Greenway Road * OF BALTIMORE COUNTY 8th Election District 3rd Councilmanic District Mitchell G. Angelos, et ux * Case No. 92-17-A Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request, pursuant to the Petition for Zoning Variance, a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 55 feet, more or less, from the dwelling to the centerline of Greenway Road, in lieu of the required 75 feet, a left (west) side yard setback of 33 feet, more or less, from the dwelling to the proposed property line in lieu of the required 50 feet, and a right (east) side yard setback of 40 feet, more or less, from the dwelling to the property line, in lieu of the required 50 feet, all as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners appeared, but did not testify. Appearing and testifying on their behalf was James McKee, Professional Engineer.

Testimony indicated that the subject property, known as 1120 Greenway Road, consists of 3.77 acres more or less, zoned R.C.5, and is improved with a single family dwelling. The Petitioners are desirous of subdividing the property to create two building lots in accordance with that depicted \dot{N} on Petitioner's Exhibit 1. The proposed "front lot" is improved with the existing dwelling and is immediately adjacent to Greenway Road. The remaining portion of the property, containing 2.074 acres and designated as the "rear lot", is proposed for development with a single family dwelling.

Access to the rear lot will be by way of a panhandle driveway on the west side of the property through the front lot.

Testimony indicated that the variances requested are necessary in order to regitimize the existing front yard and right (east) side yard setbacks for the existing dweiling and that the setback requested for the left (west) side property line is needed as a result of the proposed construction of the 24-foot wide panhandle driveway. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement. would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it

if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

, 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 55 ft. +/- dwelling to centerline setback in lieu of the required 75 ft. setback, a 33 ft. +/left side dwelling to proposed property line setback in lieu of the required 50 ft. setback, and a 40 ft. +/- right side dwelling to property line setback in lieu of the required 50 ft. setback, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

92-17-A

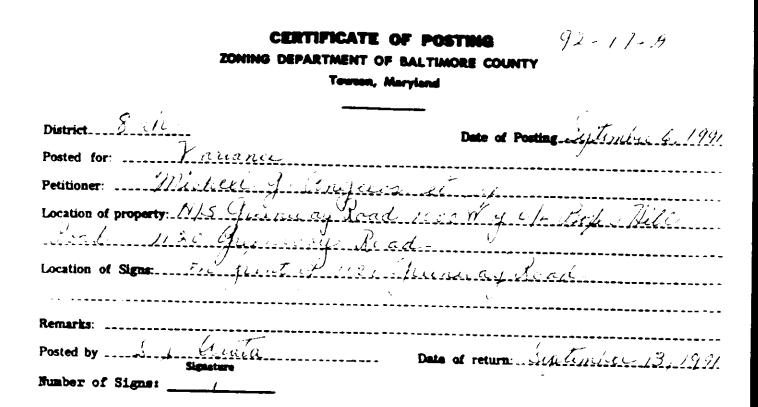
ZONING DESCRIPTION OF LOT ONE. ANGELOS PROPERTY 1120 GREENWAY ROAD EIGHTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point situated on the future right-of-way line of Greenway Road, having a future right-of-way width of 60.00 feet, said point being situated 1,000 feet westerly, more or less from the centerline of Boxer Hill Road; thence leaving said point and running along said future right-of-way line westerly 160 feet +; thence northeasterly 62 feet +; thence easterly 198 feet +; thence southerly 257 feet + to the point of beginning.

July 9, 1991

Containing 51,227 square feet or 1.176 acres, more or less. Being known as Lot One, Minor Subdivision CRG Plan, Angelos Property. (As intended to be approved by Baltimore County). Also known as #1120 Greenway Road, located in the Eighth Election District, Third Councilmanic District.

C



Bultimore County Zoning Commissioner County Office Bullding 111 West Chesapeake Avenue Towson, Maryland 21204

Account: R-001-6150

Zoning Commissioner

October 4, 1991

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is

described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1A04.3B.3 to permit a 55 foot + dwelling to centerline setback

side dwelling to property line setback in lieu of the required 50 foot setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

2. The subdivision of the property creates the 33 foot \pm left sideyard

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this

Legal Owner(s):

Signature

Deanna Angelos

Signature

Address

1120 Greenway Road

City and State

Cockeysville, Maryland 21030

Name, address and phone number of legal owner, con-

McKee & Associates, Inc. 527-1555

Zoning Commissioner of Baltimore County.

tract purchaser or representative to be contacted

5 Shawan Road, Hunt Valley, MD 21030

Mitchell G. Anielos

(Type or Print Name)

(Type or Print Name)

I We do solemnly declare and affirm,

MAP NWIST

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11000 -----

252-0197

Phone No.

. D. _____

under the penalties of perjury, that I we

are the legal owner(s) of the property

which is the subject of this Petition.

petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Property is to be posted and advertised as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDERED By The Zoning Commissioner of Baltimore County, this

of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the _____, at ____, o'clock

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

Enclosed please find the decision rendered in the above captioned

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the

case. The Petition for Zoning Variance has been granted, in accordance

additional information concerning filing an appeal, please feel free to

date of the Order to the County Board of Appeals. If you require

Attorney's Telephone No.:

13./10. - 19 TO BOUTS

Mr. and Mrs. Mitchell G. Angelos

Case No. 92-17-A

RE: Petition for Zoning Variance

contact our Appeals Clerk at 887-3391.

Cockeysville, Maryland 21030

Dear Mr. and Mrs. Angelos:

with the attached Order.

111 West Chesapeake Avenue

1120 Greenway Road

Towson, MD 21204

176 100

in lieu of the required 75 foot setback, a 33 foot \pm left side dwelling to proposed

property line setback in lieu of the required 50 foot setback, and a 40 foot + right

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

following reasons: (indicate hardship or practical difficulty)

1. The dwelling is existing.

Contract Purchaser:

Signature

Address

City and State

Signature

City and State

Attorney for Petitioner:

(Type or Print Name)

(Type or Print Name)

LES: mmun

cc: Peoples Counsel

is clear that a practical difficulty or unreasonable hardship would result

Pursuant to the advertisement, posting of the property, and public

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

LES/mmn cc: Peoples Counsel

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120 i

September 11, 1991

Mr. & Mrs. Mitchell G. Angelos 1120 Greenway Road Cockeysville, MD 21030

> RE: Item No. 13, Case No. 92-1/-A Petitioner: Mitchell G. Angelos, et ux Petition for Zoning Variance

887 3353

Dear Mr. & Mrs. Angelos:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: McKee & Associates, Inc. 5 Shawan Road Hunt Valley, MD 21030

> Baltimore County Government Fire Department

=00 East loppa Road Suite 901 Towson, MD 2120+55(a)

(301) 887 (500)

JULY 24, 1991

J. Robert Haines Zorina Commissioner Office of Planning and Toning Paltimore County Office Puilding Towson, MD 21204

PE: Property Owner: MITCHELL G. ANGFLOS

#1120 CREFFWAY ROAD Location:

Zoning Agenda: JULY 23, 1991 Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Pire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Approved Fire Prevention Bureau PRINTING Group

Special Inspection Division

Baltimase County Government Countries Administration and Development Management AMERICAN PERMITS NO X 7 mm t

24th day of July, 1991.

Wind the second of the

To assert MID Lot

Your petition has been received and accepted for filing this

Received By:

Petitioner: Mitchell G. Angelos, et ux Petitioner's Attorney:

> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

AUGUST 2, 1991

4353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-17-A N/S Greenway Road, 1000° W of c/l Boxer Hill Road 1120 Greenway Road 3th Election District - 3rd Councilmanic Petitioner(s): Mitchell G. Angelos, et ux HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 2:00 p.m.

Varaince to permit a 55 ft (+-) dwelling to centerline setback in lieu of the required 75 ft. setback, a 33 ft left side dwelling to proposed property line setback in lieu of the required 50 ft. setback and a 40 ft. (+-) right side dwelling to property line setback in lieu of the required 50 ft. setback.

J. Robert Springs

cc: Mitchell G. Angelos, et ux McKee & Associates, Inc.

Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and DATE: August 1, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Edward B. Vinson, Item No. 499 Elbert Brooks, Item No. 512 Mitchell G. Angelos, Item No. 13

Development Management

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm NCITEMS/ZAC1

> PETITIONER(S) SIGN-IN SHEET PLEASE PRIVI CLEARLY ADDRESS and the same

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Case Number: 92-17-A N/S Greenway Road, 1000 W of c/I Boxer Hill Road 1120 Greenway Road 8th Electric District 3rd Councilmanic Variance: to permit a 55 ft. (+/-)-dwelling to centerline setback in lieu of the required 75 ft. setback, a 33 ft. left side dwelling to proposed property line setback in lieu of the required 50 ft. setback and a 40 ft. (+ -) right side dwelling to property line setback in lieu of the required 50 ft, setback.

Zoning Commissioner of Baltimore County

T/J/8/154 August 15

CERTIFICATE OF PUBLICATION

TOWSON, MD., 19

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of

weeks, the first publication appearing on , 19

5. Zete Orlan

BALTIMORE COUNTY, MARYLAND INTEROFFICE COFFEEDOUFEUCE

TO: Arnold Jablon, Director DATE: August 1, 1991 Zoning Administration and Development Management FROM: Robert W. Pawling, P.E.

RE: Zening Advisory Committee Meeting for July 23, 1991

The Developers Englineering Division been reviewed. the subject zening items and we have no comments for Items 11, 12, 14, 15 and 16.

For Item 13, the previous minor subdivision comments are applicable.

> POPERT W. POWLING, I F . Charle thevelopers brother time District

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

Date: August 28, 1991

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Z. A. C. comments

Z. A. C. MEETING DATE: July 23, 1991

This office has no comments for item numbers 11, 12, 13, 14 and 16.

RJF:bza

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning ينهو الأثو

II West Chesapeake Avenue Lowson, MD 21246

DATE: 8/24/9/

Mitchell and Deanna Angelos 1120 Greenway Road Cockeysville, Maryland 21030

Case Number: 92-17-A N/S Greenway Road, 1000' W of c/l Boxer Hill Road 1120 Greenway Road 8th Election District - 3rd Councilmanic Petitioner(s): Mitchell G. Angelos, et ux

HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 2:00 p.m.

Twor Detitioner(s):

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Account: 8 001-6150 Number

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RWB:s

